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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		<b>Application Number</b>	09/974,712
		<b>Filing Date</b>	10/10/01
		<b>First Named Inventor</b>	Friddle
		<b>Group Art Unit</b>	1645
		<b>Examiner Name</b>	To Be Assigned
<b>Total Number of Pages in This Submission</b>	3	<b>Attorney Docket Number</b>	LEX-0251-USA

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ENCLOSURES (check all that apply)		
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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communications to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Response (Restriction)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communications to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	return postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request of Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		



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PATENT TRADEMARK OFFICE

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Lance K. Ishimoto, Reg. No. 41,866 Lexicon Genetics Incorporated
Signature	<i>[Signature]</i> Peter G. Seferian Reg No 40162
Date	October 30, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202 on this date: October 30, 2002			
Typed or printed name	Nancy Stacey		
Signature	<i>[Signature]</i>	Date	October 30, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Friddle et al.

Group Art Unit: 1647

Serial No.: 09/974,712

Examiner: R.S. Landsman

Filed: 10/10/01

Title: Novel Human Ion Channel Protein and  
Polynucleotides Encoding the Same

Attorney Docket No.: LEX-0251-USA

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**RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Examiner is respectfully requested to accept the following response to the Restriction and Election Requirement mailed September 30, 2002 (Paper No. 6).

**Restriction Requirement**

The Examiner has determined that the original claims are directed to two separate and distinct inventions under 35 U.S.C. § 121, as follows:

- Group I. Claims 1- 3, said to be drawn to isolated nucleic acid molecule of SEQ ID NO:1 and encoding SEQ ID NO:2, classified in class 536, subclass 23.5.
- Group II: Claim 4, said to be drawn to isolated oligopeptide of SEQ ID NO:2, classified in class 530, subclass 300.

**Response to Restriction and Election Requirement**

In response to the Restriction and Election Requirement mailed September 30, 2002 (Paper No. 6), Applicants elect without traverse to prosecute Group I, Claims 1- 3, said to be drawn to isolated nucleic acid molecule of SEQ ID NO:1 and encoding SEQ ID NO:2, classified in class 536, subclass 23.5. Elected Claims 1-3 read on the elected species. Accordingly, please cancel claim 4 without prejudice and disclaimer as being drawn to non-elected inventions. Applicant reserves the right to refile

claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

Although Applicants believe that no additional fees are due in connection with this response, the Commissioner is authorized to charge any underpayment or credit any overpayment required with this response to Deposit Account No. 50-0892.

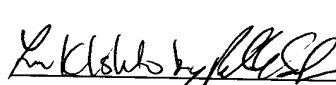
### Conclusion

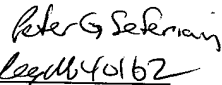
The present document is a complete response to the Restriction and Species Election Requirement. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should the Examiner have any questions or comments a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

10/30/02

Date

  
Lance K. Ishimoto

  
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